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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,673	06/05/2006	Matsuzoe Hisanobu	25000.0002	3713
57362	7590	04/09/2009		
AKERMAN SENTERFITT 8100 BOONE BOULEVARD SUITE 700 VIENNA, VA 22182-2683			EXAMINER	
			DO, AN H	
			ART UNIT	PAPER NUMBER
			2853	
			MAIL DATE	DELIVERY MODE
			04/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,673	<b>Applicant(s)</b> HISANOBU, MATSUZOE
	<b>Examiner</b> An H. Do	<b>Art Unit</b> 2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 January 2009.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) 3-12 and 15-26 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,13 and 14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 0/5/2006 & 3/8/2007
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Group I, Species A readable on claims 1, 2, 13 and 14 in the reply filed on 14 January 2009 is acknowledged. The traversal is on the ground(s) that Species A through Species J have a common electrode portion and discharge portions 9. This is not found persuasive because these species include different geometric shapes and layout and hence, it is considered distinct species.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 3-12 and 15-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 14 January 2009.

***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

4. The information disclosure statements (IDS) submitted on 05 June 2006 and 08 March 2007 were filed and are being considered by the examiner.

***Specification***

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hisanobu (JP 2003-326756).

Hisanobu discloses the following claimed features:

Regarding claims 1 and 2, a discharge control unit (Figures 1-4) comprising: a heating portion including one or a plurality of heat-generating bodies and driver ICs electrically connected to one or a plurality of heat-generating bodies and caused to generate heat by flowing an electric current to an optional point of one heat-generating body or selectively flowing the same to said plurality of heat-generating bodies (Figure 1); and a heat generation portion insulating film covered on at least the heat-generating bodies; and discharge electrodes, to which voltage is applied, disposed at the heat generation portion insulating film so as to correspond to one or a plurality of heat-generating bodies (Figure 2); wherein the discharge electrodes are formed to be like a rectangular or square flat plate including a common electrode portion and discharge portions, and discharge is carried out from discharge portions of the discharge electrodes selectively heated by the heat-generating bodies (claim 2).

Regarding claim 13, a method for controlling discharge of a discharge control unit according to claim 1, which carries out multi-divided discharge control by dividing heating of the discharge electrode by the heating portion into a plurality of times and repeating the same (Figure 1, Abstract).

Regarding claim 14, including a step of preheating at least the discharge electrodes (Figure 1, Abstract).

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An H. Do whose telephone number is 571-272-2143. The examiner can normally be reached on Monday-Friday (Flexible).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/An H. Do/  
Primary Examiner, Art Unit 2853